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94
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,545	03/31/2004	Barry L. Klein	K35A1501	1000
35219 7590 01/29/2007 WESTERN DIGITAL TECHNOLOGIES, INC. ATTN: SANDRA GENUA 20511 LAKE FOREST DR. E-118G LAKE FOREST, CA 92630			EXAMINER CAO, CHUN	
			ART UNIT 2115	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/29/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/816,545	KLEIN, BARRY L.	
	Examiner	Art Unit	
	Chun Cao	2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/24/06, 11/10/06</u> . | 6) <input type="checkbox"/> Other: _____ |

Final Rejection

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment Dated 12/1/06.
2. Claims 1-19, 21-35 and 38-39 are presented for examination. Claims 38 and 39 were newly added claims. Claims 20 and 36 were canceled.
3. The text of those applicable section of Title 35, U.S. Code not included in this action can be found in the prior Office Action.
4. The rejections are respectfully maintained that is applicable to extent the newly added claims and reproduced infra for applicant's convenience.
5. Claims 1-6, 8-19, 21-26, 28-35 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (Chen), U.S. publication no. 2005/0015477 A1 in view of Applicant Admitted Prior Art (AAPA).

As per claim 1, Chen teaches a method of remotely power cycling a peripheral data storage system from a host system [figures 2,3], the method comprising:

Powering-up the peripheral data storage system from the host system based on a host-scheduled backup operation [fig. 3; paragraphs 0028-0031];

Transmitting data to the peripheral data storage system from the host system based on the host-scheduled backup operation [paragraphs 0004, 0005, 0016, 0020];
and

Powering-down the peripheral data storage system from the host system based on the host-scheduled backup operations [fig. 2; paragraphs 0024-0027].

Chen does not explicitly teach of transmitting pre-selected data to the peripheral data storage system from the host system.

Official Notice is taken that transmit pre-selected data to the peripheral data storage system from the host system is very well known in the computer art. Such as AAPA teaches of transmitting pre-selected data to the peripheral data storage system from the host system [page 1, paragraph 0003].

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Chen and AAPA, the specify teachings of AAPA stated above would improve the performance of the Chen system by backing up only the selected data.

As per claim 2, Chen teaches that the powering-up is performed periodically at a pre-scheduled time corresponding to the host-scheduled backup operation [paragraph 0020, 0022].

As per claim 3, Chen teaches of transmitting a power-up command to the peripheral data storage system for powering-up the peripheral storage system [fig. 3; paragraphs 0028-0031].

As per claim 4, Chen teaches of transmitting a power-down command to the peripheral data storage system for powering-down of the peripheral data storage system [fig. 2; paragraphs 0024-0027].

As per claim 5, Chen teaches of supplying operating power to the peripheral data storage system from the host system [fig. 1; paragraph 0023].

As per claim 6, Chen teaches of ceasing the supplying of operating power to the peripheral data storage system from the host system [fig. 2; paragraphs 0024-0027].

As per claim 8, Chen discloses a peripheral data storage device, a peripheral system controller and a peripheral system controller host interface adapted for communication with the host system [fig. 1].

As per claim 9, Chen teaches of powering-up the peripheral storage system [fig. 3; paragraphs 0028-0031].

As per claim 10, Chen teaches of powering-down of the peripheral data storage system [fig. 2; paragraphs 0024-0027].

As per claim 11, Chen teaches of transmitting a power-up command to the peripheral data storage system for powering-up the peripheral storage system [fig. 3; paragraphs 0028-0031].

As per claim 12, Chen teaches of supplying power to the peripheral data storage system from an external power supply source [fig. 1; paragraph 0023].

As per claim 13, Chen teaches of transmitting a power-down command to the peripheral data storage system for powering-down of the peripheral data storage system [fig. 2; paragraphs 0024-0027].

As per claim 14, Chen teaches of ceasing the supplying of operating power to the peripheral data storage system from the host system [fig. 2; paragraphs 0024-0027].

As per claim 15, Chen discloses an external disk drive [fig. 1; paragraph 0016].

As per claim 16, AAPA teaches the pre-selected data resides in the host data storage system [page 1, paragraph 0003].

As per claim 17, Chen teaches of configuring the host-scheduled backup operation in the host system prior to the powering-up [paragraph 0020].

As per claim 18, AAPA teaches pre-selecting a portion of host data for the host-scheduled backup operations of the selected portion to the peripheral data storage system [page 1, paragraph 0003].

As per claim 19, AAPA teaches that the host system is adapted for communication with the peripheral data storage system via a USB cable [page 1, paragraph 0002].

As per claim 37, Chen discloses that the peripheral data storage system controller is a bridge controller and the peripheral data storage controller host interface is a bridge controller host interface [fig. 1].

6. Claims 7, 8, 15, 27 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (Chen), U.S. publication no. 2005/0015477 A1 in view of Applicant Admitted Prior Art (AAPA) and Serichol Blasco (Blasco), US patent no. 6,892,288.

As per claim 7, Chen and AAPA do not explicitly teach of determining if the transmitted pre-selected data were stored in the peripheral data storage system. In other word, they do not teach of determining whether the backup process is completed.

Art Unit: 2115

Official Notice is taken that the limitation is very well known in the computer art. Such as Blasco teaches of determining the backup process is completed [col. 2, lines 1-5, 25-31].

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Chen and AAPA and Blasco, because they teach of backing up data in a data storage system, the specify teachings of Blasco stated above would improve the reliability of the Chen system by preventing power off the storage system prior to backing up data is completed.

As per claim 8, Blasco discloses a peripheral data storage device, a peripheral system controller and a peripheral system controller host interface adapted for communication with the host system [fig. 1].

As per claim 15, Blasco discloses an external disk drive [3, fig. 1].

As to claims 21-35 are contained the same limitations as claims 1-19. Therefore, same rejection is applied.

As per claim 37, Blasco discloses that the peripheral data storage system controller is a bridge controller and the peripheral data storage controller host interface is a bridge controller host interface [fig. 1].

As to claims 38 and 39, are contained the same limitations as claims 1 and 21 respectively. Furthermore, Chen discloses a host system comprising a disk drive [fig. 1; paragraph 0017]. Therefore, same rejection is applied.

Art Unit: 2115

7. Applicant's arguments filed 12/1/2006 have been fully considered but are not persuasive.

8. In the remarks, applicant argued in substance that Chen does not disclose or suggest that 1) to transmit data to the peripheral data storage system from the host system based on the host-scheduled backup operation; 2) to cease the supplying of operating power to the peripheral data storage system from the host system.

9. The examiner respectfully traverses. As to 1) Chen teaches of transmitting data to the peripheral data storage system from the host system based on the host-scheduled backup operation [paragraphs 0004, 0005, 0016, 0020; emphasis added "The network server 110 further provides a responding function to allow the remote terminal device 300 to perform data access according to user's commands and requirements. The storage device enables network users to access files stored therein", in other word, Chen teaches of transmitting data based on user's requirement (such as set an appropriate schedule indicate in paragraph 0005, and set an pre-arranged task schedule in paragraph 0020) the host-scheduled backup operation. Also, Official Notice is taken the limitation is well known in the art, AAPA discloses the limitations [see paragraph 0003 in specification].

As to 2) Chen teaches of ceasing the supplying of operating power to the peripheral data storage system from the host system [fig. 2; paragraphs 0024-0027].

Also see rejection above.

10. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao whose telephone number is 571-272-3664. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 571-272-2100.

Art Unit: 2115

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jan. 24 2007



CHUN CAO
PRIMARY EXAMINER